

STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
FEBRUARY 1, 2006

ITEM 5

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL VALLEY REGION TO REMOVE FOUR BENEFICIAL USES FROM SURFACE WATERS OF OLD ALAMO CREEK.

DISCUSSION

The Water Quality Control Plan for the Sacramento River and San Joaquin River Basins (Basin Plan) of the Central Valley Regional Water Quality Control Board (Central Valley Water Board) was approved by the U.S. Environmental Protection Agency (USEPA) in the year 2000.

The Basin Plan sets standards to protect all waters in the Sacramento and San Joaquin River Basins and prescribes programs to implement these standards. The standards consist of the designated beneficial uses of the waters, narrative and numeric objectives to protect these uses, and the State's Antidegradation Policy.

In 2002, the State Water Resources Control Board (State Water Board) reviewed waste discharge requirements for the City of Vacaville's Easterly Wastewater Treatment Plant on the State Water Board's own motion and adopted Water Quality Order 2002-0015 (Vacaville Order). Vacaville discharges treated effluent from the Easterly plant to Old Alamo Creek. In the Vacaville Order, the State Water Board concluded that drinking water supply (MUN) is not an existing beneficial use for Old Alamo Creek and that it probably cannot be feasibly attained in the future. The State Water Board committed to consider a site-specific exception from State Water Board Resolution No. 88-63 (Sources of Drinking Water Policy) for the Creek if the Central Valley Water Board amended its Water Quality Control Plan (Basin Plan) to dedesignate MUN as a beneficial use for the Creek.

Old Alamo Creek is a tributary stream of the Sacramento-San Joaquin Delta. The Basin Plans designate uses for the Delta. Old Alamo Creek is not listed in Table II-1 of the Basin Plan. However, under the Basin Plan's tributary streams language, several uses are assigned to Old Alamo Creek including municipal and domestic supply (MUN), cold freshwater habitat (COLD), migration of aquatic organisms (MIGR), and spawning, reproduction and/or early development (SPWN). In addition, the Basin Plan contains a provision for implementing State Water Board Resolution No. 88-63. That provision contains the authority to separately assign MUN to Old Alamo Creek because any water of the State that does not have a specific MUN designation is considered by default to have the MUN beneficial use assigned to it unless it can be shown to meet certain exemptions.

The Central Valley Water Board conducted a Use Attainability Analysis (UAA) in order to evaluate four beneficial uses in Old Alamo Creek, including MUN, COLD, MIGR, and SPWN, and to determine whether the beneficial uses could be removed from the Basin Plan. In order to dedesignate these uses, the State must support its demonstration of infeasibility with a UAA (40 C.F.R. §131.10(j)). Existing uses are defined as uses that were attained on or after November 28, 1975 (40 C.F.R. §131.3(e)). Designated uses include both existing uses and potential uses, i.e., uses that are not currently being attained (40 C.F.R. §131.3(f)). The evaluation concluded that the MUN, COLD, MIGR, and SPWN beneficial uses have not existed since November 28, 1975 in Old Alamo Creek, and the uses could not feasibly be attained in the future.

The Central Valley Water Board's Final Staff Report (April 2005) for the amendment dedesignating these four uses for Old Alamo Creek indicates that ephemeral, intermittent, or low flows together with hydrologic modifications, and unsuitable natural physical conditions prevent MUN, COLD, MIGR, and SPWN from being attained in Old Alamo Creek. A portion of the Creek, downstream from the treatment plant, was straightened for flood control, eliminating vegetation and aquatic habitat, and adversely affecting water temperatures for the types of aquatic life that COLD and SPWN protect. No information could be located demonstrating the presence of migratory fish in Old Alamo Creek, and hydrologic modifications prevent MIGR from being attainable. Iron flap gates at the confluence of Old Alamo and New Alamo Creeks prevent migratory fish from entering the Creek. The Easterly Wastewater Treatment Plant currently discharges approximately 6-8 million gallons per day into Old Alamo Creek, and the Creek also conveys urban storm water runoff, effluent from a groundwater remediation project, and agricultural drainage return water. Old Alamo Creek was separated from its headwaters in a 1960s flood control project, leaving Creek flows dominated by effluent and runoff, and cutting off access to suitable aquatic habitat in the upper watershed. Further, releasing additional treated sewage effluent from Vacaville's treatment plant will not allow MUN to be attained. The State Department of Health Services classifies Old Alamo Creek as an extremely impaired source for drinking water supply. Both quality concerns and the public's general unwillingness to accept the use of effluent for direct potable supply make it unlikely that the Creek will support MUN in the future.

Adoption of the Central Valley Water Board's amendment will not have any effect on the existing physical environment because it will not change any uses or environment in Old Alamo Creek. Without adoption of the amendment, the Central Valley Water Board would be required to regulate waste discharges to Old Alamo Creek and to make impairment assessments based on uses that do not exist and cannot reasonably be attained in the future, requiring expenditure of resources to protect non-existent uses.

On April 28, 2005, the Central Valley Water Board adopted Resolution No. [R5-2005-0053](#), which amended its basin plan to dedesignate the MUN, COLD, MIGR, and SPWN use for Old Alamo Creek.

On (Date), the State Water Board adopted Order (No. XXX) that provides a site-specific exception from State Water Board Order 88-63, The Sources of Drinking Water Policy.

POLICY ISSUE

Adoption of this Basin Plan amendment will fulfill the Central Valley Water Board's obligation to evaluate the beneficial uses of Old Alamo Creek under State Water Board Order No. WQ 2002-0015.

FISCAL IMPACT

Central Valley Water Board and State Water Board staff work associated with or resulting from this action can be accommodated within budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, Central Valley Water Board.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Central Valley Water Board Resolution No. R5-2005-0053.
2. Authorizes the Executive Director to submit the amendment adopted under Central Valley Water Board Resolution No. R5-2005-0053 and the administrative record for this action to Office of Administrative Law and USEPA for approval.

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO.

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL VALLEY REGION TO REMOVE FOUR BENEFICIAL USES FROM SURFACE WATERS OF OLD ALAMO CREEK

WHEREAS:

1. On April 28, 2005, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) adopted Resolution No. R5-2005-0053 (Attachment), amending the Water Quality Control Plan for the Central Valley Region (Basin Plan). The amendment revises the first three paragraphs on page II-2.00 under the heading Surface Waters in Chapter II (Beneficial Uses) of the Basin Plan by excepting Old Alamo Creek, Solano County, from the municipal and domestic supply (MUN), cold freshwater habitat (COLD), migration of aquatic organisms (MIGR), and spawning, reproduction and /or early development (SPWN) beneficial uses.
2. In 2002, the State Water Resources Control Board (State Water Board) reviewed waste discharge requirements for the City of Vacaville's Easterly Wastewater Treatment Plant (Easterly Plant) and adopted Water Quality Order 2002-0015 (Vacaville Order). Vacaville discharges treated effluent from the Easterly Plant to Old Alamo Creek. In the Vacaville Order, the State Water Board concluded that MUN is not an existing beneficial use for Old Alamo Creek and that it probably cannot be feasibly attained in the future. The State Water Board committed to consider a site-specific exception from State Board Resolution No. 88-63 (Sources of Drinking Water Policy) for the Creek if the Central Valley Water Board amended its Basin Plan to dedesignate MUN as a beneficial use for the Creek.
3. The Central Valley Water Board conducted a Use Attainability Analysis in order to evaluate four beneficial uses in Old Alamo Creek including MUN, COLD, MIGR, and SPWN.
4. The Central Valley Water Board's Final Staff Report (April 2005) for the amendment indicates that the MUN, COLD, MIGR, and SPWN beneficial uses do not exist in Old Alamo Creek and the uses cannot be feasibly attained in the future due to ephemeral, intermittent, or low flows together with hydrologic modifications, and unsuitable natural physical conditions in Old Alamo Creek.
5. The State Water Board finds that the Central Valley Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements in accordance with the California Environmental Quality Act and all other applicable State laws and regulations.
6. The State Water Board finds that the amendment is in conformance with the requirements of the site-specific exception specified in the Policy.

7. The State Water Board finds that the Basin Plan amendment is in conformance with the requirements of Water code section 13240, which specifies that Regional Water Quality Control Boards shall periodically review and may revise Basin Plans.
8. This Basin Plan amendment will not become effective until approved by the State Water Board, Office of Administrative Law (OAL), and U.S. Environmental Protection Agency (USEPA) and a Notice of Decision has been filed with the Secretary of the California Resources Agency.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under Central Valley Water Board Resolution No. R5-2005-0053.
2. Authorizes the Executive Director to submit the amendment adopted under Central Valley Water Board Resolution NO. R5-2005-0053 and the administrative record for this action to OAL and USEPA for approval.

CERTIFICATION

The undersigned, Acting Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on February 1, 2006.

Selica Potter
Acting Clerk to the Board